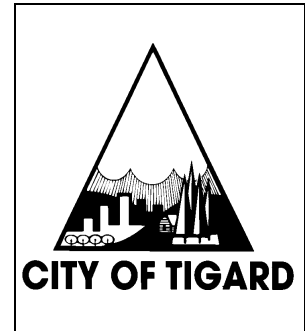

TIGARD CITY COUNCIL
WORKSHOP MEETING

July 17, 2001 6:30 p.m.

TIGARD CITY HALL
13125 SW HALL BLVD
TIGARD, OR 97223



PUBLIC NOTICE:

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, Ext. 309 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead-time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting date by calling:

503-639-4171, x309 (voice)
or 503-684-2772 (TDD - Telecommunications Devices for the Deaf)

SEE ATTACHED AGENDA

A G E N D A
TIGARD CITY COUNCIL WORKSHOP MEETING
July 17, 2001

6:30 PM

1. WORKSHOP MEETING
 - 1.1 Call to Order - City Council
 - 1.2 Roll Call
 - 1.3 Pledge of Allegiance
 - 1.4 Council Communications & Liaison Reports
 - 1.5 Call to Council and Staff for Non Agenda Items

6:35 PM

2. REVIEW AQUIFER STORAGE AND RECOVERY (ASR) PHASE 1 REPORT
 - a. Staff Report: Public Works Department
 - b. Presentation by Joe Glicker of Montgomery Watson
 - c. Council Discussion
 - d. Council Direction: Present Phase 2 of the contract for review and approval at the July 24, 2001, City Council meeting.

7:05 PM

3. REVIEW RIGHT-OF-WAY AND SIDEWALK MAINTENANCE
 - a. Staff Report: Public Works Department
 - b. Council Discussion
 - c. Council Direction: Consider whether City Council should direct staff to perform the basic level of right-of-way vegetation and sidewalk maintenance adjacent to City properties.

7:45 PM

4. REVIEW POTENTIAL AMENDMENTS TO THE NOISE ORDINANCE – TIGARD MUNICIPAL CODE CHAPTER 7.40, ARTICLE IV
 - a. Staff Report: Community Development Department
 - b. Council Discussion
 - c. Council Direction: Consider whether City Council should direct staff to prepare an ordinance incorporating some or all of the proposed amendments to the "noise ordinance."

8:15 PM

5. REVIEW REQUEST FROM COMMUNITY PARTNERS FOR AFFORDABLE HOUSING FOR FEE REDUCTION REQUEST
 - a. Staff Report: Community Development Department
 - b. Council Discussion
 - c. Council Direction: Consider request and direct staff whether to place this matter on a future City Council agenda for formal consideration.

8:35 PM

6. REVIEW POTENTIAL AMENDMENTS TO THE TIGARD MUNICIPAL CODE – TITLES 1 AND 2
 - a. Staff Report: Administration Department
 - b. Council Discussion
 - c. Council Direction: Consider whether City Council should direct staff to prepare ordinances amending Titles 1 and 2.

9:05 PM

7. COUNCIL LIAISON REPORTS

9:15 PM

8. NON-AGENDA ITEMS

9:30 PM

9. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(3), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

9:40 PM

10. ADJOURNMENT

\\TIG333\USR\DEPTS\ADM\CATHY\CCA\010717.DOC

AGENDA ITEM # 2
FOR AGENDA OF July 17, 2001

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Aquifer Storage and Recovery (ASR) Phase 1 Report

PREPARED BY: Dennis Koellermeier DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Phase 1 of the City's Aquifer Storage and Recovery (ASR) project is complete. The author of the final report, Joe Glicker of Montgomery Watson will be making a presentation to the Council to present findings and answer any questions. The Phase 1 effort was designed to test the feasibility of ASR for the City of Tigard. This report is also the foundation for the decision to proceed to Phase 2, the Pilot Test, which will construct and test an actual ASR well.

STAFF RECOMMENDATION

Staff recommendations are to accept the Phase 1 report, which concludes that proceeding with Phase 2, is advisable. Pending any issues raised at 7/17/01 meeting, Staff will be presenting the Phase 2 contract to the City Council for approval at July 24, 2001 meeting.

INFORMATION SUMMARY

ASR is one system of several alternatives identified to improve Tigard's water supply system. ASR has both long term and short term benefits to the City. In the short term, the City's current water supplies do not provide additional water above our current peak day demands of 13 MGD. In the long term ASR can be a means of lowering costs for peak season supplies.

The City has proceeded into the ASR application by designing a three-phase process. Phase 1, the feasibility study, is now complete, and we recommend proceeding on to Phase 2, the Pilot Test. The feasibility study found no fatal flaws to the concept of ASR development for Tigard, and suggests that a 6-MGD ASR well field can be successfully constructed and operated. Phase 2, the Pilot Test, will construct the first of these wells and allow us to obtain data that further refines the conclusions reached in Phase 1.

OTHER ALTERNATIVES CONSIDERED

ASR is one of several long-term water strategies being pursued. Currently, ongoing discussions with the City of Portland are taking place regarding potential ownership in the Bull Run system. We are also proceeding with long term source issues with the Joint Water Commission.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Urban and Public Services, Goal 4, strategies 2 and 3 , state that Tigard should develop "develop plans for surface water production and supply" and "develop ways to control access to water which would not allow growth to outgrow water supply"

ATTACHMENT LIST

Executive Summary, ASR Feasibility Report, June, 2001

FISCAL NOTES

No additional costs with Phase 1. Phase two is currently being negotiated. The 2001/2002 FY Budget approved \$210, 500 for Phase 2



PHASE I - ASR FEASIBILITY REPORT

June 2001



MONTGOMERY WATSON



**Golder
Associates**

EXECUTIVE SUMMARY

OVERVIEW OF FEASIBILITY STUDY

The City of Tigard (City) is pursuing the development of an aquifer storage and recovery (ASR) system using its existing wells and source supplies. The City currently utilizes surface water from: 1) the Bull Run system via the City of Portland and Tualatin Valley Water District (TVWD), 2) Lake Oswego from the Clackamas River source, and 3) City of Beaverton Joint Water Commission source. In addition, Tigard has four wells. ASR involves the injection of surplus water from other sources during periods of low demand into the aquifer with recovery of the water during the high demand period. This report, the Feasibility Study, is Phase I of a three Phase approach to ASR. Phase II includes the Pilot Test and Phase III is the Full Scale Implementation. Phase I determines the feasibility of the potential for ASR and identifies a potential well to be used in Phase II – Pilot Testing. Phase II uses the Pilot Test to confirm aquifer performance, and to confirm the feasibility of full-scale implementation.

Study Objectives

The purpose of the ASR Feasibility Study is to evaluate the feasibility of developing an ASR system for Tigard. The Feasibility Study involves an assessment of the potential storage capacity in the aquifer, recharge and recovery rates for wells, and potential impacts on groundwater conditions and water quality in the storage aquifer. The overall purpose of the feasibility study is to identify whether there are any potential fatal flaws for ASR and to determine the optimum strategy for implementing pilot testing to further evaluate ASR. There are several elements of the Phase I ASR Feasibility Study including:

- ◆ How ASR fits into the City's overall water supply and identifying source water
- ◆ Determining which City well is best suited for ASR pilot testing
- ◆ Characterizing the hydrogeology in the area of the test well
- ◆ Evaluating water quality compatibility with the groundwater and source waters; and
- ◆ Identifying permitting issues to ensure regulatory success

Evaluation of these elements will reveal any fatal flaws for the feasibility of ASR in the City of Tigard. If no fatal flaws are found, then the Feasibility Study serves as the foundation for the development of the Pilot Test Plan – Phase II. One of the critical elements of the Feasibility Study is to determine which of the City's existing wells can be used to conduct the pilot test. In addition, the Feasibility Study will estimate storage volumes, predict how the water quality may vary within the aquifer during storage, evaluate the source water and effects of mixing with groundwater and identify any permitting issues to ensure regulatory success.

ASR Applications

The City wishes to utilize ASR for both short-term and long-term needs. In the short-term, the City's current water supplies from the above mentioned sources do not provide additional water above the current peak day demands (13 mgd). For long-term planning, the City must consider population growth and the renewal of contracts with the City of Portland by 2007. If feasible, the City would like to use ASR to fill the gap in short-term water demands and potentially provide a consistent water supply in the long-term. ASR is a means of lowering the City's costs for peak day and peak season supply. Use of ASR would allow the City to make better use of its existing wells and reduce the need to obtain peak season supply. It may also allow for a more consistent water quality throughout the year. Ideally, the City would like to complete the Pilot Study by the middle of 2002 and begin delivering water to its customers by the summer of 2002. Initial production would be approximately 1-1.5 mgd. Ultimately, the City would like to utilize ASR with a production of 4-6 mgd within 10 years.

Hydrogeological Assessment

Hydrogeological investigations completed during the Feasibility Study indicate the following:

- ◆ The storage capacity within the unconfined basalt (that has been dewatered over the last 50 years) beneath Bull Mountain is estimated to be about 4 billion gallons. This is more than sufficient to enable development of an ASR scheme that is capable of producing up to 6 mgd for periods of up to 8 months;
- ◆ Injection rates of about 1,000 gpm in individual wells are feasible;
- ◆ Withdrawal capacities for new ASR wells are expected to range between 400 and 800 gpm and approximate 600 gpm;
- ◆ In order to achieve a 1.5 mgd ASR scheme pumping for 4 months, 240 million gallons of water would need to be recharged to the aquifer. This volume accounts for a 25% leakage loss. Two wells each injecting at an average daily rate of 2.0 mgd (1,390 gpm) could recharge the aquifer over a 4 month period. This quantity could be recovered over a 4 month period by two wells each pumping an average rate of 520 gpm.
- ◆ A 6 mgd ASR scheme pumping for 8 months would require recharging of about 1.92 billion gallons of water over a four month period. Accounting for the possibility of 25% losses during the recharge and storage period, about 1.44 billion gallons would be available for recovery. To recharge 1.92 billion gallons over 4 months would require 10 ASR wells each recharging approximately 1,100 gpm. During recovery, each well would operate at an average pumping rate of 400 gpm. Higher recovery rates may be possible for shorter time periods;
- ◆ There is expected to be no adverse water quality impacts associated with injection of treated surface waters into the basalt;

- ◆ Potential impacts associated with the development of an ASR scheme are likely to include a water level rise in other basalt wells on Bull Mountain. Other potential impacts may include an increase in spring discharge on the slopes of Bull Mountain.
- ◆ The effects of large-scale water level changes (increases and decreases) on individual well performance require additional monitoring of water levels.

Uncertainties

Assessment of ASR potential is subject to some uncertainty because of the limited data available for the Feasibility Study. At this time, the hydraulic behavior of the aquifer boundaries are unknown and require further study to determine how they will affect storage quantities and recovery efficiency of the stored water. Resolution of the uncertainty with regard to the aquifer conditions is recommended to confirm storage volumes, injection and recovery rates, groundwater level changes and effects on springs and streams.

Pilot Testing

The evaluation of the City's four wells indicate that Well No. 1 is best suited for ASR testing based on the hydrogeologic properties of the well and the location of nearby monitoring wells. However, geophysical logging of the well revealed a poor casing, thus requiring repairs for further production of groundwater or ASR development. Repairs to the well or a new well will be needed for the Pilot test in the fall of 2001. A schedule for the Pilot test is shown in Figure ES-1.

Cost Estimate for Pilot Phase II

Based on findings from the Feasibility Study, estimated costs were prepared for the Pilot Phase. Costs include the conversion of Well No. 1 to a monitoring well, drilling of a new well on the same site and associated piping, equipment and housing costs. These costs are estimated costs for planning purposes only and are based on previous ASR projects. Table ES-1 lists the costs included in Phase II – Pilot Test.

The following assumptions were made in developing the Phase II costs:

- ◆ A new well can be drilled on the Well No. 1 site and Well No. 1 can be converted to a monitoring well.
- ◆ The transmission line from the new well will be connected to the existing piping in the reservoir yard.
- ◆ The distance from the wellhead to the transmission line is 100 feet.
- ◆ The pump was sized for ASR injection and withdrawal rates at 1000 gpm
- ◆ No additional water treatment will be necessary beyond the chlorination system currently in place.

TABLE ES-1 PHASE II PLANING LEVEL COST ESTIMATE

Description	Costs
PERMITTING AND WATER RIGHTS*	\$ 19,500
WELLHEAD MODIFICATIONS	
Conversion of Well No. 1 to monitoring well	\$ 18,000
New Well Construction Costs	
Drill new well on Well No. 1 site (12 in.) 600 ft.	\$ 80,000
Pump and installation (1000 gpm Vertical Turbine w/non-reverse ratchet)	\$ 55,000
Pump House	\$ 45,000
Electrical	\$ 20,000
Infrastructure	
Flowmeter	\$ 4,000
PRV/check valve	\$ 3,300
Back Pressure valve	\$ 2,600
Pump Control Valve	\$ 3,000
Valves/Fittings	\$ 8,000
SCADA	\$ 8,000
Dip Tube	\$ 500
Pressure Transducer	\$ 3,000
Transfer existing chlorination system	\$ 800
Subtotal	\$ 233,200
Professional Services	
Hydrogeological oversite - includes pump test analysis	\$ 20,000
Engineering Services	\$ 42,000
Water quality testing	\$ 3,000
Subtotal	\$ 65,000
Contingency (20%)	\$ 63,240
Subtotal	\$ 407,940
ASR PILOT TEST	\$ 97,000
GROUNDWATER MODEL & WELLHEAD MODIFICATIONS (If necessary)	\$ 50,000
PILOT TEST REPORT	\$ 34,000
TOTAL	\$ 579,940

*\$28,500 total costs for permitting. \$9000 authorized in contingency from Phase I.

Full-Scale Implementation

To enable the development of a 6 mgd scheme capable of being used for up to 8 months, up to 10 wells would be required. Based on the City's desire to achieve full-scale production within 10 years an incremental approach is recommended. Specifically, the pilot test well would be converted to a full-scale ASR well followed by

an additional well at that site. Subsequently, two wells could be drilled every 2-3 years until the system is fully developed. Assuming the ASR permit is obtained without delay, the first stage of the full-scale scheme could begin in the early part of 2003. Approximately two wells every two years would need to be developed. Figure ES-2 shows the recommended schedule for full-scale implementation. This approach is recommended for several reasons. First, the boundaries of the aquifer are uncertain at this time. Development of each well will help determine these boundaries with little risk to the City. Secondly, the flow characteristics of the aquifer can differ within short distances, thus producing different yields. An incremental approach allows the City to utilize ASR to their specific needs at that particular time. Should the City's contracts with the City of Portland change drastically, the City may decide to limit the need for ASR production. Finally, this approach will allow the City to implement the project without a large upfront investment.

ASR Well Locations and System Phasing

As indicated above, 10 ASR wells will be required to meet the overall performance objectives of ASR. These wells should be developed across the service area such that each well site is limited to a maximum of two ASR wells, unless indicated otherwise via pilot testing. Widespread spacing of ASR wells will reduce interference effects and will minimize the risk to the system in the event of potential groundwater contamination. Figure ES-3 shows the potential and possible ASR wells sites. We have identified sites that are located in close proximity to the City's existing distribution system and where possible are on City-owned property, or on property that is owned by other public agencies amenable to well siting. The number of sites listed provides for some redundancy in the event that the preferred sites are unavailable. Potential sites are those that have the greatest likelihood of success for ASR. Possible ASR sites may have reduced well yields and/or storage volumes may be lower because of less favorable hydrogeological conditions.

Cost Estimate for Full Scale System

Cost estimates for Full Scale ASR development and implementation are listed in Table ES-2. The costs are presented in increments with 5 stages to complete the ultimate 4-6 mgd ASR scheme. Cost estimates for full-scale implementation were calculated based on the following assumptions:

- ◆ Ultimate ASR production is 4-6 mgd – a total of 10 wells.
- ◆ The full scale system will involve the new well used for the pilot test, modifications to existing well 2, and eight new ASR wells;
- ◆ Purchase of land and extended pipeline cost beyond minimal distance from the existing distribution system is not included.
- ◆ Costs are based on 2001 numbers.

TABLE ES-2 PHASE III COST ESTIMATE

Description	Costs
PERMITTING	\$ 17,000
STAGE 1 DEVELOP SECOND WELL AT WELL NO. 1 SITE	
NEW WELL CONSTRUCTION COSTS (PER WELL)	
Drill new well (12 in.)	\$ 80,000
Pump and installation (1000 gpm Vertical Turbine w/reverse ratchet)	\$ 55,000
Pump House	\$ 45,000
Electrical	\$ 20,000
Infrastructure	
Flowmeter	\$ 4,000
PRV/check valve	\$ 3,300
Back Pressure valve	\$ 2,600
Pump Control Valve	\$ 3,000
Valves/Fittings	\$ 8,000
SCADA	\$ 8,000
Dip Tube	\$ 500
Pressure Transducer	\$ 3,000
Chlorination system	\$ 3,500
Subtotal	\$ 235,900
Professional Services	
Hydrogeological oversight - includes pump test analysis	\$ 15,000
Water quality testing	\$ 3,000
Engineering Services	\$ 35,500
Subtotal	\$ 53,500
Contingency (20%)	\$ 57,900
TOTAL	\$ 347,300
IMPLEMENTATION, OPERATION AND MONITORING	\$ 6,400
STAGE 1 TOTAL	\$ 370,700
STAGE 2 DEVELOP SECOND WELL AT WELL NO. 2	
MODIFICATIONS TO WELL NO. 2	\$ 50,000
NEW WELL CONSTRUCTION COSTS	\$ 347,300
IMPLEMENTATION, OPERATION AND MONITORING	\$ 6,400
STAGE 2 TOTAL	\$ 403,700
STAGE 3 DEVELOP TWO WELLS	
NEW WELL CONSTRUCTION COSTS (\$347,300 PER WELL)	\$ 694,600
IMPLEMENTATION, OPERATION AND MONITORING	\$ 6,400
STAGE 3 TOTAL	\$ 701,000
STAGE 4 DEVELOP TWO WELLS	
NEW WELL CONSTRUCTION COSTS (\$347,300 PER WELL)	\$ 694,600
IMPLEMENTATION, OPERATION AND MONITORING	\$ 6,400
STAGE 4 TOTAL	\$ 701,000
STAGE 5 DEVELOP TWO WELLS	
NEW WELL CONSTRUCTION COSTS (\$347,300 PER WELL)	\$ 694,600
IMPLEMENTATION, OPERATION AND MONITORING	\$ 6,400
STAGE 5 TOTAL	\$ 701,000
GRAND TOTAL	\$ 2,877,400

Based on 2001 rates and other reasonable assumptions, the cost to purchase water for and operate ASR is approximately 45% less than costs to purchase water during peak season. Table ES-3 shows the cost comparison.

TABLE ES-3 FULL-SCALE COST COMPARISON

Costs to Purchase Water	
Peak Season Water Purchase Rate (per ccf)	\$ 0.91
Demand (gpd)	6,000,000
Duration (days)	120
Total Costs	\$ 875,936
ASR Costs	
ASR Injection	
OffSeason Water Purchase Rate (per ccf)	\$ 0.30
Pump Costs (per ccf)	\$ -
Storage Needed to Achieve 6 mgd Recovery (Assumes 25% water loss) - gpd	8,000,000
Duration (days)	120
Subtotal	\$ 385,027
ASR Recovery	
Peak Season Purchase Rate (per ccf)	\$ -
Pump Costs (per ccf)	\$ 0.10
Demand (gpd)	6,000,000
Duration (days)	120
Subtotal	\$ 96,257
Total Costs	\$ 481,283
Annual Savings	\$ 394,652
Cost Difference	45%

RECOMMENDATIONS

- ♦ At this stage it appears feasible to develop an ASR scheme using the Bull Mountain basalt, as such the City should proceed with the development and implementation of a pilot test plan;
- ♦ In view of the poor condition of Well No. 1 casing, a new production well should be constructed at the Canterbury Lane site that is capable of being used for the ASR Pilot test. The existing well should be converted to a multi-level monitoring well for pilot testing.
- ♦ Before Wells No. 1 and 2 are used this summer, the well-heads should be modified to enable a water level meter to be used to monitor the water levels in the two wells;

- ◆ In the period prior to the use of the wells, water levels in all of the City's wells should be monitored on a weekly basis;
- ◆ Arrangements to access the Tigard High School and James Templeton Elementary School wells for monitoring purposes should be put into place prior to the use of the wells;
- ◆ Consultant should be notified prior to the use of the wells so that consultant staff can be in attendance at the start up of the pumps to record (valuable) early time test data;
- ◆ During the subsequent period that the wells are used, water level measurements should be taken in both the City's wells and adjacent observation wells and the production totals should be noted. As far as possible, measurements should be taken daily throughout the summer;
- ◆ Once additional monitoring is complete, the City should confirm how ASR fits in its water supply strategy and identify its role in both short-term and long-term planning. At that time, the City should proceed with the level of ASR that is commensurate with its needs.
- ◆ Development and implementation of the full-scale scheme should occur incrementally over a 10 year period to allow better understanding of the aquifer performance and allow the City to develop the project with little risk.

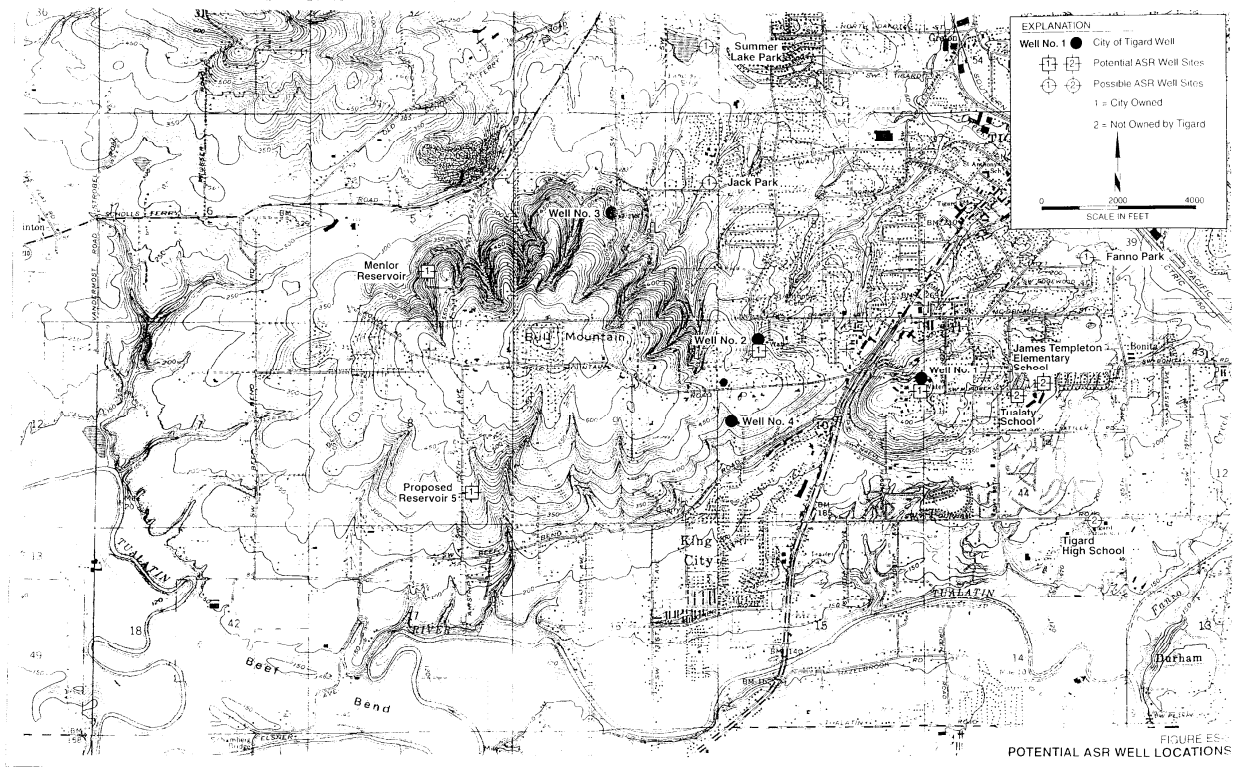
FIGURE ES-1
ASR Pilot Project
Schedule

[illegible]

FIGURE ES-2
Proposed ASR Development Schedule

TASK NAME	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
PHASE II- PILOT TEST													
ESTIMATED COSTS	\$	579,940											
PHASE 3 FULL SCALE ASR IMPLEMENTATION													
PERMITTING													
STAGE 1 - Convert Pilot Well to ASR Well and develop second ASR well on Canterbury site			1-1.5 mgd										
ESTIMATED CIP COSTS			\$370,000										
ESTIMATED COSTS TO PURCHASE WATER FOR ASR (1.5 mgd)			\$120,321										
STAGE 2 - Modify Existing Well No. 2 and develop second ASR well at site					1.5-2.5 mgd								
ESTIMATED COSTS					\$ 404,000								
ESTIMATED COSTS TO PURCHASE WATER FOR ASR (2.5 mgd)					\$ 200,535								
STAGE 3 - Install two wells at appropriate site							2.5-4 mgd						
ESTIMATED COSTS							\$701,000						
ESTIMATED COSTS TO PURCHASE WATER FOR ASR (4 mgd)							\$320,856						
STAGE 4 - Install two wells at appropriate site									4-5 mgd				
ESTIMATED COSTS									\$701,000				
ESTIMATED COSTS TO PURCHASE WATER FOR ASR (5 mgd)									\$401,070				
STAGE 5 - Install two wells at appropriate site												5-6 mgd	
ESTIMATED COSTS											\$		701,000
ESTIMATED COSTS TO PURCHASE WATER FOR ASR (6 mgd)											\$		481,283

All costs are based on 2001 numbers. Costs to purchase water are based on 0.91/cfs from JWC



PROJECT NO. 011-1410-008 DRAWING NO. 06007 DATE 05/24/2011 DRAWN BY JSA

ORDER ASSOCIATE

AGENDA ITEM # 3
FOR AGENDA OF July 17, 2001

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Review Right-of-Way and Sidewalk Maintenance

PREPARED BY: John Roy DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Council's consideration of determining whether the Street Division shall perform a basic level of right-of-way vegetation and sidewalk maintenance adjacent to city properties or should some other level of maintenance be considered.

STAFF RECOMMENDATION

Staff recommends that Council direct staff to perform the basic level of right-of-way vegetation and sidewalk maintenance adjacent to city properties.

INFORMATION SUMMARY

At the work session of June 19th, Council directed staff to re-analyze the previous proposals for right-of-way maintenance and return to Council with the new analysis. Staff has carefully reviewed all costs associated with the right-of-way vegetation maintenance program for the FY 2000-2001. The program last FY2000-2001 consisted of providing right-of-way vegetation maintenance on major and minor collectors and residential streets.

There were approximately 84,000 lineal feet (15.9 miles) of right-of-way that were maintained as one complete maintenance cycle, with a total of 190,995 lineal ft. maintained (36.2 miles) through out the year. The per cycle maintenance cost was approximately \$22,700.00, with a total yearly cost of \$61,300.00. The program last year covered maintaining city property responsibility, properties adjacent to steep slopes or deep ditches, and properties that were not being maintained by the property owners such as residential areas, school district property, railroad right-of-way and state right-of-way (which was not taken care of by the state).

The current FY 2001-2002 basic right-of-way maintenance program will cover only those areas that are adjacent to City properties, those properties that are adjacent to steep slopes or deep ditches, and state and railroad rights-of-ways, which otherwise would not be cared for to our standard of maintenance. The current program will consist of 35,970 lineal ft. (6.8 miles) per complete maintenance cycle. The cost per maintenance cycle will be approximately \$10,800.00 with an estimate of \$43,300.00 to \$65,000.00 per year on a 4-6 cycle cost.

Staff has also estimated the costs for providing enhanced maintenance for Council consideration. For the purpose of providing an example staff has selected Durham Rd.(north and south sides) to show enhancement estimates. Currently it costs \$1,832.00 to mow, weedeat, spray, and cleanup the 5,727 lineal feet along Durham Rd. per time with about \$3,664.00 being spent per year.

An enhanced program would look something like what follows:

IRRIGATION- \$68,092. This would include labor, parts, materials, and 12 water meters (1 for each block section)

Pro's - Water available for any type of landscape design

Con's - Price of water. Issue's with water conservation. Vandalism to system.

GRASS - \$13,300.00. This would include labor, grass seed,

Pro's- More aesthetically pleasing to the eye. Helps prevent soil erosion on slopes.

Con's- Needs irrigation. High maintenance.

Bark Dust- \$13,300.00. This would include labor and 77 units of bark dust.

Pro's- Holds moisture. Reduces erosion. Keeps weeds down. Doesn't need watering.

Con's- Slopes will not hold bark in place during winter rain conditions. Bark will wash into the curb line and into the storm drain. Must be replaced approximately every two years. Fire hazard.

In the final analysis the cost of performing basic right-of-way vegetation maintenance is approximately .32 cents per lineal foot. If Council should decide to add any additional right-of-way work to the program the per lineal foot cost should be added to the basic program cost of \$65,000.00 to determine the new program cost. This cost does not reflect the additional cost for enhancements.

OTHER ALTERNATIVES CONSIDERED

1. Reject staff recommendation
2. Chose to add additional right-of-way areas to work program.
3. Chose to select enhanced maintenance for areas specified by Council.
4. Give staff further direction.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

The right-of-way vegetation maintenance management program falls within the parameters of the Council's "Tigard Beyond Tomorrow" goal for Community Character and Quality of Life.

ATTACHMENT LIST

N/A

FISCAL NOTES

The Street Division budget for FY 2001/2002 was approved by Council for the amount of \$976,701.00, which includes \$65,000.00 to fund at a basic service level the right-of-way vegetation maintenance program

AGENDA ITEM # 4
FOR AGENDA OF 7.17.01

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Potential Amendments to the Noise Ordinance – TMC Chapter 7.40 Article IV.

PREPARED BY: Dick Bewersdorff DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Should the City amend its noise ordinance?

STAFF RECOMMENDATION

Direct staff to draft an ordinance substantially revising the existing noise ordinance.

INFORMATION SUMMARY

The City's noise ordinance is cumbersome and difficult to administer because it requires measuring sound levels by certified technicians using specified equipment. Also, the City is unable to enforce against short term unnecessarily loud noises. The table setting the maximum sound levels is confusing, and the code provisions create uncertainty about the length of time the noise must exist.

Amending the code to allow a subjective standard as well as an objective standard, to simplify the technical standards, and to provide for exceptions rather than a permit system would create a process that would be easier to administer and would provide for greater clarity for citizens.

OTHER ALTERNATIVES CONSIDERED

1. Do not change the code. This would leave the present system, with identified problems, in place.
2. Amend the noise ordinance in a more piecemeal fashion rather than overhauling it totally.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

1. Staff PowerPoint Presentation.

FISCAL NOTES

N/A

I:\curpln\dick\council items\noise ordinance amendments summary sheet.doc
2-Jul-01

POTENTIAL NOISE
ORDINANCE REVISIONS

Noise Ordinance:
(TMC 7.40.130 to 7.40.200)

Discussion Topics

- ◆ Background
- ◆ Issues & Options
- ◆ Comments on Options
- ◆ Recommendations.

2

Background

- ◆ Ordinance is increasingly difficult to administer
- ◆ More complaints
- ◆ Many complaints are difficult to resolve
- ◆ Council directed staff to pursue ordinance changes.

3

Issues & Options

- ◆ Modify existing code in same format or totally overhaul
- ◆ Currently some uses allow greater noise impacts
- ◆ Current system provides only measurable objective standards (dB)
- ◆ Needs trained person
- ◆ Needs certified sound measuring device
- ◆ Needs to be on-site at the time of violation.

4

Issues & Options (Continued)

- ◆ Alternative is to add more subjective standards
- ◆ Require more than one witness
- ◆ Use simpler descriptions of measuring device and training
- ◆ Draft based on Hillsboro's code.

5

Issues & Options (Continued)

- ◆ Permits:
 - No need unless allow standards to be exceeded
 - City can limit permits to certain situations
 - May expand exceptions.

6

Issues & Options (Continued)

- ◆ Hours of operation (construction, etc.):
 - Construction, home operation of tools exempted during certain hours
 - Decide on whether to keep exemptions
 - If exemptions, consider raising dB levels
 - Consider single time for exemptions.

7

Issues & Options (Continued)

- ◆ Who should enforce?
 - Code enforcement personnel
 - Police
 - Both.

8

Comments on Options for Proposed Ordinance

- ◆ Responsibility for violations
- ◆ Technical standards
- ◆ Noise limits
- ◆ Prohibited noise
- ◆ Exceptions
- ◆ Evidence.

9

◆ Responsibility for violations

– Those who make or cause or allow noise

– Currently only those who cause or allow

– Making those responsible for noise and property owner, gives City flexibility.

10

◆ Technical standards

– Simplify description of type of measuring equipment

– Qualifications for operation simplified

– Existing definition difficult/impossible given state regulation changes.

11

◆ Noise limits

– Create both measurable & subjective standards

– Violating either will be a violation

– Objective standard eliminates need to measure for a period of time

– Current ordinance allows extremely loud noise intermittently

– Proposal only concerned with location where the sound is heard.

12

◆ Noise limits (continued)

- Current ordinance should consider both where the sound is heard and produced
- Subjective standards prohibits noise as follows:
 - ◆ To noise sensitive units (residences, hotels, schools, churches, day cares, hospitals, nursing care)
 - ◆ That are plainly audible at night
 - ◆ Unnecessarily loud.

13

◆ Prohibited Noise

- Ban of "jake brakes"
- Exception for emergencies
- List sounds that violate ordinance
- Prohibited only if exceed subjective or objective limits
- List not exclusive - pertains to any sound.

14

◆ Exceptions

- Important section
- No noise permits
- If qualify for exception, no permit is required
- Sporting events, non-amplified
- Emergency work or warning devices.

15

◆ Exceptions (continued)

- Daytime activities (demolition, construction, domestic tools, chainsaws)
- Traffic
- Community events
- Maximum noise level for some excepted activities
- Consider each exemption and hours of operation.

16

◆ Evidence

- Evidence required from at least two persons for subjective
- (dB) for measurable standards.

17

Recommendations (Continued)

ISSUE	OPTIONS	RECOMMENDATION
To what extent should noise ordinance be amended?	1. Keep as is. 2. Modify individual provisions, keep existing structure. 3. Total revision, including new structure.	Totally revise the noise ordinance, following the format of the Hillsboro Code. If it is simpler and easier to reformat the code, given the changes that are needed.

18

Recommendations (Continued)

ISSUE	OPTIONS	RECOMMENDATION
Objective or subjective standard to determine violation.	1. Keep existing objective standard. 2. Use subjective standard. 3. Use both.	Use both an objective and subjective standard as alternate ways of establishing a violation.

19

Recommendations (Continued)

ISSUE	OPTIONS	RECOMMENDATION
Amount of proof for a violation based on the subjective standard.	1. One witness. 2. Two witnesses. 3. Three or more witnesses.	Requiring more than one witness is advisable, given the subjective nature of the standard and the potential for abuse. Two witnesses (from different households), one of whom may be a city employee (police or code enforcement officer) seems a reasonable number. Some cities have required three witnesses.

20

Recommendations (Continued)

ISSUE	OPTIONS	RECOMMENDATION
Table for objective standards.	1. Keep or modify Table 1 of TMC 7.40.170. 2. Use simpler standard.	The current table considers both the use of the property where the sound is heard and the use of the property where the sound is generated. A simpler standard that considers only the use of the property where the sound is heard is simpler to administer and provides the protection that was intended by the noise ordinance.

21

Recommendations (Continued)

ISSUE	OPTIONS	RECOMMENDATION
Standards for equipment and training of person providing evidence of objective standard.	1. Current detailed standard. 2. Simpler standard.	The current code provides substantial detail about the nature of equipment and certification of the equipment operator. This type of detail is not required for a civil infraction process. A simpler standard for the equipment is advisable. No standard for the operation is needed.

22

Recommendations (Continued)

ISSUE	OPTIONS	RECOMMENDATION
Permits	1. Keep existing permit system. 2. Modify permits to allow the dB level to be exceeded. 3. Replace permit system with exception system.	A change is needed - the permit system as currently used has no real effect because it does not allow maximum sound levels to be exceeded. An exception system would simplify things for both the City and its citizens.

23

Recommendations (Continued)

ISSUE	OPTIONS	RECOMMENDATION
Exceptions/exemptions	1. Allow multiple exceptions/exemptions. 2. Limit exceptions/exemptions.	With an expanded exception/exemption list, the City deprives itself of authority to regulate the noise emanating from certain types of activity.

24

END

AGENDA ITEM # 5
FOR AGENDA OF July 17, 2001

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Community Partners for Affordable Housing Fee Reduction Request

PREPARED BY: Duane Roberts DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Should the City grant Community Partners for Affordable Housing's (CPAH) request for a \$10,000 fee reduction?

STAFF RECOMMENDATION

Council consider the written and oral testimony and decide as it sees fit regarding the request.

INFORMATION SUMMARY

The City presently provides tax abatement for affordable housing, but has no policy regarding fee reduction. CPAH has requested the City provide \$10,000 in fee relief for its new 26-unit Village at Washington Square affordable housing project. The fee relief would allow the organization to reduce the rent on one three-bedroom unit to a level affordable to a family earning 30% of median income. CPAH has also asked the City to consider the adoption of a long term policy supporting fee reductions.

OTHER ALTERNATIVES CONSIDERED

Grant the request for \$10,000 in fee relief.
Provide a lesser amount of relief.
Do not grant the request.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Growth Management Goal #3 states that "The City encourages and supports private sector programs to maintain diverse and affordable housing". Strategies identified to achieve this goal include making incentive programs available to providers of affordable housing units. These incentives include the waiver and property tax abatement for affordable housing projects or reduction of SDCs.

ATTACHMENT LIST

Attachment 1 – Memo from Jim Hendryx concerning CPAH fee reduction request
Attachment 2 - CPAH letter dated May 17, 2001
Attachment 3 - CPAH letter dated June 15, 2001

Attachment 4 - Village at Washington Square project summary
Attachment 5 - City Attorney memo dated April 9, 2001
Attachment 6 – Council meeting minutes of September 19, 2000.

FISCAL NOTES

The amount requested by CPAH is \$10,000. No funds have been budgeted to meet this cost. In order to meet this request, General Fund revenues would need to be shifted from some as yet unidentified line item.

i/citywide/affordable.feereduction



MEMORANDUM

CITY OF TIGARD

TO: Council

FROM: Jim Hendryx

DATE: July 3, 2001

SUBJECT: CPAH Request for Fee Reductions for the Village at Washington Square

Community Partners for Affordable Housing (CPAH), the Tigard-based non-profit affordable housing provider, has asked the City to consider reducing by \$10,000 the fees that normally would be imposed on its recently approved 26-unit Village at Washington Square affordable housing project. A copy of the letter requesting the reduction is attached. According to CPAH Executive Director Sheila Greenlaw-Fink, the fee reductions would allow one three-bedroom unit to rent at a level affordable to a family with an income at 30% of median income vs. having to raise the rent to a level affordable to family with an income at the 50% of median level. The request specifically asks for reduction in Traffic Impact Fee, Park SDC, or building permit fees in that priority order. The letter also asks the City to consider adopting a policy of fee reductions for affordable housing.

Metro Housing Policy

Current regional policy related to affordable housing is defined in the Regional Affordable Housing Strategy Plan or RAHS. Adopted by Metro Council late last year, RAHS is intended to provide the policy direction for local affordable housing objectives and strategies and the specific actions needed by local governments and others to reach affordable housing production goals. This list includes fee reductions and waivers.

The strategy's primary objective is to increase the supply of housing for the highest need households: those earning 50% of median income. Within Washington County, the RAHS identifies the highest need households as including the elderly, people with disabilities, farmworker families, large families, recent immigrants, victims of domestic violence, single mothers, and ethnic and racial minorities.

In addition to objectives and strategies, the RHAHS establishes affordable housing production goals based on current and future affordable housing needs. The five-year production goal, sub-totaled by jurisdiction, is 10% of the overall projected benchmark need for affordable housing. Tigard's five-year goal is 320 units. The goal is non-binding, but its adoption imposes an obligation

on the City and other jurisdictions to promote affordable housing and to strive to meet the quantitative goal.

City Housing Policy

City Comprehensive Plan Policy 6.1.1 addresses housing and states that the City shall provide an opportunity for a diversity of housing densities and residential types at various prices and rent levels. In support of this policy, Tigard, since 1996, has provided a property tax exemption for low-income housing owned and operated by CPAH. This allows CPAH to reduce rents.

In 1998, the City established a “community vision” goal of encouraging and supporting private sector programs to rehabilitate existing, and develop new affordable housing (Growth Management Goal #3). Strategies identified to achieve this goal include making incentive programs available to providers of affordable housing units. These incentives include fee waivers and reductions and property tax abatement.

At its July 25, 2000, meeting, Council considered the Regional Affordable Housing Strategy and its list of potentially available tools that could be used by local jurisdictions to increase opportunities for affordable housing and meet local production targets. Sheila Greenlaw-Fink, Community Partners for Affordable Housing Director, participated in the Council discussion. Based on local conditions and circumstances, she identified a top ten list of strategies for priority consideration. These included the following:

- Density bonus
- Transfer of development rights
- System development charges
- Permit fees
- Property tax exemption
- Land cost and availability
- Local regulatory constraints and approval process
- Parking
- Enterprise foundation regional acquisition fund
- Real estate transfer tax

At the conclusion of its discussion, Council directed staff to return with further information on Ms. Greenlaw-Fink's top ten list. At its August 19, 2000 meeting, Council discussed the list and asked staff to schedule a follow-up meeting on this agenda item sometime after the election, when the outcome of various funding-related ballot measures would be known. After the election, this follow-up meeting was postponed indefinitely, until the ramifications of Measure 7 could be better understood.

Current Tigard Contributions to Affordable Housing

Currently, except for federal Community Development Block Grants funds passed down by Washington County, the City is the only county jurisdiction providing any financial assistance to affordable housing projects. The City contributions include tax abatement for the Villa La Paz Apartments, \$8,574, and a single family dwelling on Tangela St, \$446. Tax abatement for the proposed Village at Washington Square, if provided, is projected at \$6,140. In addition, the City

provides office space at 9020 SW Burnham St. rent free, valued at \$16,840 per year. This totals to \$32,000 per year in tax abatement and rent relief for Community Partners for Affordable Housing. Statewide, very few jurisdictions provide financial incentives to promote affordable housing.

Legal Issues

The City attorney's office, in an April 2000 memo, commented on a request for special treatment for affordable housing when the new park SDC fee schedule was before Council by recommending against the granting of fee waivers or reductions for the park, and by extension, other SDCs. The reason was that this would open the City to legal challenge from those who were not granted the waiver. A copy of the memo in question is attached. It concludes "adopting a waiver would result in substantial risk of expensive litigation, with no assurance (the City) would prevail".

While the memo recommends against waivers or reductions, it also refers to an alternative and more legally defensible approach to helping affordable housing, should the City wish to provide such help. This approach involves using general fund revenues to pay the SDC fees. According to the memo, this method is consistent with current City codes and is less subject to legal challenge. As recently confirmed by City Attorney Gary Firestone, a donation or transfer of funds by the City is within the scope of its authority and is less fraught with legal concerns than an outright fee waiver would be.

City Non-Profit Funding Procedure

The City annually reviews one-time "social funding requests" from non-profit agencies. This review is included as part of the regular City budget process. The deadline for submitting requests is February of each year. The Budget Committee policy is to set total events and social service appropriations at 0.5% of the prior year's operating budget. The proposed 2001-02 budget, which went to Council on June 12th, included a recommended budget that was \$4,000 under the policy limit. No formal or written guidelines or criteria have been put in place reviewing these "social funding requests" requests.

CPAH did not follow this "social funding request" process because they understood that the City did not want them to compete with other non-profits. Another reason is that CPAH wished the City to consider adopting a policy of fee reductions for affordable housing.

Summary and Conclusion

CPAH has requested a \$10,000 fee reduction on its 26-unit affordable housing project now underway near Washington Square. CPAH also has asked the City to consider a policy of fee reductions for affordable housing. According to the City attorney, the City could, via the general fund, provide some fee relief for affordable housing without undue legal risk. Last year, Metro adopted a Regional Affordable Housing Strategy that sets a non-binding five-year housing production goal for Tigard of 320 units. City comprehensive plan policies and community vision goals support and encourage affordable housing. Council has considered but taken no action regarding the list of proposed local affordable housing promotion strategies included in the regional report. Since 1996, the City has provided tax abatement for affordable housing.

In the absence of Council consideration of specific strategies and measures for implementing Metro and City policy, staff has no clear basis for making a recommendation regarding the CPAH request. Under the circumstances, the request should be considered on an ad hoc basis until a formal affordable housing strategy is put into place. In the short term, staff recommends Council consider the written and oral testimony and decide as it sees fit regarding the present fee reduction request. If Council decides fee relief for this particular project is appropriate at the requested or some other level, the City should use General Fund dollars to provide the relief, as recommended by the City Attorney. The budget implication of this decision is that lost dollars would have to be taken from other City operations. Staff has not considered and has no recommendation at this time regarding where this shift in budget allocations should occur. The longer-term issue of refining the City's affordable housing policies should be considered at some later date.

I/lrpn/dr/affordablehousing.chparequest



P.O. Box 23206 • Tigard, OR 97281-3206
Tel: 503-968-2724 • Fax: 503-598-8923 • www.cpahinc.org

May 17, 2001

Mr. William Monahan, City Manager *and*
Mr. James Hendryx, Community Development Director
City of Tigard
13125 SW Hall Boulevard
Tigard, OR 97223

Dear Bill and Jim:

This letter is to follow-up to our letter dated May 9, 2001. Community Partners for Affordable Housing would like to request that the City of Tigard approve one of the following fee reductions for the Village at Washington Square.

With the recent \$8,000 increase of Parks System Development Charges as well as higher than anticipated zoning costs, fees for this project have increased by almost \$20,000, and total more than \$143,000. We are requesting that the City consider a waiver a \$10,000 or 7% of those fees. A \$10,000 reduction will mitigate fee increases and allow us to maintain one 3-bedroom unit at a rent level affordable to a very low-income family (at 30% of area median income vs. having to raise the rent to a 50% level).

While we have ranked them in order of our preference, we understand the City's budget may dictate which is most feasible.

- **Preference 1:** We ask that the City consider a reduction of \$10,000 in the Traffic Impact Fee on this project, *or*
- **Preference 2:** Alternately, we ask that the City consider a reduction of \$10,000 in the Park System Development Charge, *or*
- **Preference 3:** Alternately, we ask that the City consider a \$10,000 reduction in building permit fees.

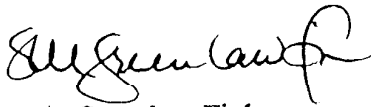
We would like the City to consider implementing fee reductions on all affordable new construction housing projects—of which we recognize there will be a limited number. The importance of these fee reductions to the overall cost of such projects has been well documented. In the proposed Village at Washington Square, fees and SDCs add \$5,500 to the cost of each unit. Jurisdictions such as Portland who waive over half of these fees are able to ensure that more and better quality affordable housing is available, making it possible for retail and service sector employees to live near work, support their families and contribute to the community.

CPAH's projects generate less vehicular trips, both because car ownership and number of trips is lower than average, and because we target sites with access to jobs, transit and services. Additionally, we incorporate recreational opportunities on-site. At our current project we have incorporated a community center, play area and butterfly garden.

Again, as you consider these options as additional ways in which the City can impact affordable housing production, we believe there are reasonable ways to limit the potential impact on City budgets. Fee reductions could be capped at \$10-25,000 per project and reductions could be available only to projects serving households at less than 40-50% of area median income. Given the limited number of units being built, this would have a very limited impact on the City or SDC revenue generation.

We appreciate all that the City has accomplished to date and the willingness to consider additional tools. We look forward to hearing from you, and would be happy to provide additional information at your request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sheila Greenlaw-Fink', with a stylized flourish at the end.

Sheila Greenlaw-Fink
Executive Director

Attachment 3



P.O. Box 23206 • Tigard, OR 97281-3206
Tel: 503-968-2724 • Fax: 503-598-8923 • www.cpahinc.org

June 15, 2001

Mr. William Monahan, City Manager *and*
Mr. James Hendryx, Community Development Director
City of Tigard
13125 SW Hall Boulevard
Tigard, OR 97223

Dear Bill and Jim:

We have put together some sample materials to help illustrate the issues discussed in our June 1 meeting. We hope this will help clarify the impact of our request to the City for limited fee waivers on affordable housing projects. We want to reiterate that an overall policy on fee waivers is our preference, rather than a case-by-case request. Much like tax abatement, this type of incentive helps address the City's goal on affordable housing. We hope the City of Tigard will continue to play a leadership role in Washington County on this issue, and look forward to working with you to address these issues with other jurisdictions, including the County.

The samples provided are just that—each project is complex and unique, with multiple sources of funding and different target populations. The amount of subsidy required to make a particular project work is tied to the population targeted (income level, family size, age, special needs), the level of rehabilitation needed to existing structures, and the nature of the construction challenge. The charts we've attached respond to some of the questions you raised in the meeting—questions commonly asked about affordable housing.

What is affordable housing? Household pays no more than 30 percent of its gross income on rent plus associated housing costs (e.g., utilities).

Income Targeting: In affordable rental housing, rents are targeted to households at particular levels of area median income (AMI).

2001 HUD Area Median Income (AMI)					
No. of People	100% AMI	30% AMI	40% AMI	50% AMI	60% AMI
1	39,100	11,730	15,640	19,550	23,460
2	44,700	13,410	17,880	22,350	26,820
3	50,300	15,090	20,120	25,150	30,180
4	55,900	16,770	22,360	27,950	33,540
5	60,400	18,120	24,160	30,200	36,240
6	64,800	19,440	25,920	32,400	38,880

No. of Bedrooms	No. of People	Median Income	30% AMI	40% AMI	50% AMI	60% AMI
0	1	39,100	260	347	456	554
1	1.5	41,900	270	366	480	585
2	3	50,300	324	441	576	702
3	4.5	58,150	374	512	665	810
4	6	64,800	416	648	740	902

Assumptions: 1.5 people per bedroom; utility allowances \$33, \$44, \$53, \$62, & \$70 respectively.

The above charts show 2001 AMI for different household sizes and rents that would be affordable to households at these different levels of AMI. For homeownership programs it is typically families at 80-120% of area median income, while for rental housing it is increasingly those at 50% of area median income or below. For a family of 3, this would mean an income of between \$15,090 and \$25,150 annually. Rents considered affordable to this family would need to fall with \$324-576 monthly range. To create or preserve housing at these rent levels requires a variety of financial tools, illustrated in the next table.

What financial tools support affordable housing?

Goal of Tool	Method Used	Specific Examples
Improve first position (private debt) financing to allow more debt to be supported.	<ul style="list-style-type: none"> Lower interest rate Higher loan to value ratio Extended loan term Reduced debt cover ratio (DCR) 	<ul style="list-style-type: none"> Oregon Affordable Housing Tax Credit
Reduce operating expenses/subsidize operations to increase dollars available to support debt or reduce rents needed to cover operations	<ul style="list-style-type: none"> Reduce operating expenses Provide operating subsidies 	<ul style="list-style-type: none"> Property tax abatement Project-based section 8
Reduce cost to develop project	<ul style="list-style-type: none"> Reduce City fees & charges Reduce land costs Reduce design &/or construction costs 	<ul style="list-style-type: none"> Reduce or waive fees and SDCs
Subordinate or Gap financing	<ul style="list-style-type: none"> Fill gap between amount of private debt that can be supported and total development cost 	<ul style="list-style-type: none"> Grants (CDBG) Low interest, second position loans (HOME)

The above chart briefly summarizes some key goals in impacting affordability, and methods to achieve them. For instance, the Oregon Affordable Housing Tax Credit is utilized by private lenders on behalf of housing developers to effectively reduce the interest rate on private debt by 4%, thereby increasing the amount of debt an affordable complex can service. Property tax abatement decreases annual operating expenses, thereby allowing us to serve lower-income households (for whom we charge lower rents). Reduced or waived fees help "fill the gap" between the private debt that can be supported and the cost to develop the project. There are a limited number of ways to fill the gap in affordable housing projects, and local incentives are critical.

Income Targeting and Impact on Debt Service Capacity: The income levels of the households that the project will serve determines the amount of private debt that the project can support, which in turn determines the size of the gap that needs to be filled to make the project feasible. Clearly, additional tools are needed to fill the gap when the project targets households at lower incomes.

Unit Size	No. of Units	Mo Rent at 60% AMI	Annual Rent	Mo Rent at 30-50%	Annual Rent
Studio	1	554	6,648	260	3,120
1 BR/ 1 BA	2	585	14,040	270	6,480
1 BR/ 1 BA	5	585	35,100	480	28,800
2 BR/ 1 BA	5	702	42,120	513	30,780
3 BR/ 1 1/2 BA	1	810	9,720	374	4,488
3 BR/ 1 1/2 BA	1	810	9,720	520	6,240
3 BR/ 1 1/2 BA	5	810	48,600	665	39,900
4 BR/2 BA	0	902	-	416	-
4 BR/2 BA	3	902	32,472	578	20,808
4 BR/2 BA	3	902	32,472	740	26,640
Total			230,892		167,256
Laundry Income			2,600		2,600
Total Gross Income			233,492		169,856
Vacancy		5%	11,675		8,493
Adjusted Gross Income			221,817		161,363
Operating Exp			91,445		91,445
NOI			130,372		69,918

**Available for Debt Service at
debt cover ratio of 1.15:**

113,367

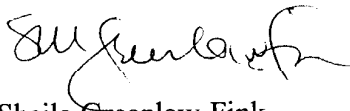
60,798

How would a \$10,000 fee waiver impact an affordable project, like the Village at Washington Square? With a gap of \$10,000 (for instance when Parks SDCs increased recently), you need to be able to support additional private debt, typically done by raising rents, or securing operating subsidies. To maintain lower rent levels, we simply cannot take on additional debt. Depending on the developer's mission, and funders requirements, targeting may not be flexible and changing the targeting at this later stage of the project may not be an available option.

We have attempted to convey complex information in a few pages. Jill Sherman, our housing development manager, would be happy to walk through this in a work session with staff or council. This summer I will be taking a 3-month sabbatical, working part-time on specific projects, and Jill will serve as our acting director. (I look forward to spending time with my 6-year old this summer, and will be taking a few family trips). I will return full-time on September 17. While I am still available for meetings on a limited basis, I am certain that Jill, and our finance consultant, Robin Boyce, can answer any questions you might have.

We look forward to working with you on this and other housing issues. Please let us know your preference for proceeding on this issue. We would be happy to discuss your ideas for other ways to present this information. Thank you in advance for your continuing assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sheila Greenlaw-Fink', written in dark ink.

Sheila Greenlaw-Fink
Executive Director

Community Partners for Affordable Housing, Inc.



VILLAGE AT WASHINGTON SQUARE

11157 – 11163 SW Hall Boulevard, Tigard

Community Partners for Affordable Housing (CPAH) is a nonprofit affordable housing developer serving the Tigard-Tualatin area. CPAH provides safe and healthy affordable housing along with support and skill building activities to low-income individuals and families in our community. The Village at Washington Square represents CPAH's fourth development as an organization, and will bring the total number affordable housing units owned by CPAH to 146. CPAH has assembled a highly qualified team of development professionals to work on this new construction project.

The need for affordable multifamily rental housing in Washington County in general, and Tigard specifically, is well documented. While Washington County is one of the fastest growing and most prosperous counties in Oregon, an increasing number of residents do not benefit from this affluence – over 20,000 families live below the poverty line. They are the bank tellers, shop clerks, secretaries and other service, retail and manufacturing workers that support the growth of the Washington County economy. Within Washington County, Tigard-Tualatin is one of the least affordable areas to live, despite a large concentration of employment opportunities. The unfortunate reality is that many who work here cannot afford to live here.

The Village at Washington Square will be a new construction development providing rental housing affordable to a range of lower income households, with rents affordable to families at 30%, 45% and 50% of the area median income.

The Design of the Village at Washington Square includes three residential buildings with a total of 26 dwelling units, and a community building all arranged around a central courtyard/play yard. Over half of the units will be three and four bedroom units, which will allow us to meet the affordable housing needs of large families. Eleven of the units will be traditional apartments, while the other 15 will be townhouse style units with entrances on the second floor. The development will include 31 parking spaces. The development site contains 36,720 square feet and a single-family home on the property that will be removed to allow the full site to be redeveloped. The development will include a small green space with benches, a path and a butterfly garden.



The Community Center will be the focal point of the support, skill building and community building activities offered to residents and will include a small computer center. Youth programs will include homework mentoring, access to computers and high speed Internet, after-school crafts and story hours and an eleven week Summer Youth Program. Adult programs will include Neighborhood Watch, GED tutoring, access to computers and high speed Internet, job search mentoring and an Individual Development Account Program.

The Village at Washington Square will provide affordable housing for a minimum of sixty (60) years, with maximum rents regulated by covenants on the property. Financing costs for the development will be covered through partnerships with private investors, lenders, non-profit foundations, Washington County and the State of Oregon:

Financial Partners

Partner	Contribution	Type
Washington County Department of Housing Services	\$ 487,700	HOME low interest loan & CDBG Grant – AWARDED to development
Oregon Housing and Community Services Dept.	\$100,000 *	Housing Development Grant, * plus Low Income Housing Tax Credits and Oregon Affordable Housing Tax Credits – AWARDED to development
Private Loan – lender to be determined	\$ 975,391 (estimated)	20 year loan utilizing Oregon Affordable Housing Tax Credits to reduce interest costs to development
Private Equity – investor to be determined	\$ 1,827,085 (estimated)	Equity investment in return for Low Income Housing Tax Credits allocated to the investor
Equity by CPAH	\$ 49,000	Deferred fees, equity includes grant from First Consumers National Bank
Total Development Cost	\$ 3.4 Million	

Development Team

Firm	Role
Housing Development Center	Development Consultant
Carlton Hart Architecture P.C.	Architect
Seabold Construction	General Contractor
Pinnacle Realty Management Company	Property Manager
Preston Gates & Ellis	Legal Counsel
Blume, Loveridge & Co.	Audit Services

RAMIS
CREW
CORRIGAN &
BACHRACH, LLP

ATTORNEYS AT LAW

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Fax: (503) 243-2944

MEMORANDUM

TO: Tigard City Council
William A. Monahan, City Manager

FROM: Timothy V. Ramis, Gary Firestone, City Attorney's Office

DATE: April 9, 2001

RE: Waiving or Reducing Parks System Development Charge

BACKGROUND

The City currently has a Parks SDC and is considering revisions to the Parks SDC rates. An affordable housing group has asked the City to consider reducing, waiving, or deferring¹ the Parks SDC for projects that qualify as affordable housing.

ISSUES

What concerns should the City have concerning adopting provisions that would allow waiver of Parks SDCs for affordable housing projects?

ANSWER

If the City adopts a waiver of Parks SDC charges for affordable housing, the risk of litigation by other developers is increased. Other developers could challenge a waiver on statutory, equal protection, or takings grounds.

¹To avoid unnecessarily long and confusing sentences, the rest of this memorandum will refer only to "waiver." "Waiver" will include total, partial, temporary, and/or permanent waiver.

ANALYSIS

Developers have challenged SDCs at the local level on a wide variety of grounds. We are unaware of any litigation on the particular issue of waivers for affordable housing, although the issue has been at least discussed when other local governments have considered adopting some type of favorable treatment for affordable housing providers.

Litigation Considerations

If the City adopts a waiver for affordable housing and that waiver is challenged, the City would have to expend substantial sums in litigating the sum. A legal challenge is likely to cost the City far more in legal fees than would be saved by any affordable housing waivers. While the City may have arguments that waivers are justifiable and legal (*see below*), there is a likelihood that a court would rule against the City, which would create even greater financial consequences for the City. It might have to pay damages and might have to refund SDCs to developers.

Statutory Argument

One legal argument that could be made against waivers for affordable housing is that the state statutes require uniformity and require that developers pay an equitable share. ORS 223.304(1) requires that: "The methodology shall promote the objective of future system users contributing no more than an equitable share to the cost of existing facilities." The statutory framework does not specifically prohibit SDC waivers, deferrals or reductions. However, developers could argue that the intent of the statutory scheme is to impose uniformity by limiting the discretion of local governments with respect to how SDCs are structured. ORS 223.304(1) and the rest of the SDC statutes can be interpreted as requiring equitable treatment for developers. However, a proponent of waivers would argue that as long as those who do pay are required only to pay an equitable share, the system complies with the statutory requirement. The problem with this argument is that the actual cost of the infrastructure to be paid by SDCs does not go down by the amount of the waiver granted. If the lost revenue is recaptured by increasing the costs to SDC payers, then the "equitable share" principle of the statute is violated. A city could avoid this problem by using general fund revenues to make up for money lost to waivers; however, the net financial result to the City would be the same as giving general fund grants to affordable housing projects.

Issues Arising Under the Equal Protection Clause of the U.S. Constitution

Developers could argue that exempting certain classes of developers from SDCs violates the Equal Protection Clause of the U.S. Constitution, by impermissibly treating developers of non-affordable housing differently from developers of affordable housing. The test for validity under the Equal

Protection Clause, when no fundamental rights or suspect classes are implicated, is whether a distinction that results in differential treatment rationally furthers legitimate governmental interests. Fostering affordable housing would likely be found to be a legitimate governmental interest. Advocates of affordable housing would likely argue that an SDC waiver rationally furthers that interest.

If developers pursue an equal protection argument, they may argue that a different standard should be involved because their basic property rights are involved. The current U.S. Supreme Court may be open to this argument. A reduction for affordable housing that is made up for from general tax revenues rather than from increased SDCs has a good chance of surviving even under a more stringent standard, but this again requires substantial expenditure from general fund revenues.

Issues Arising Under the Takings Clause of the U.S. Constitution

The strongest challenge would likely be that an SDC waiver for affordable housing results in a "taking" in violation of the U.S. Constitution. This concern arises because affordable housing waivers could result in a less perfect fit between the impact of new developments that pay the SDC and the amount of the SDC. If SDCs were increased to offset any affordable housing waiver, a strong argument could be made by developers that they are being forced to bear a burden that should be shared by all and that the requirement to pay even higher SDCs is a taking. While courts have never accepted that a requirement to pay is a taking, the argument is a strong one and would appear to be a logical extension from recent Supreme Court decisions. However, if the waiver does not result in an increase in SDCs but instead is made up for from general fund proceeds, the developers' argument loses most, if not all, of its legal basis.

Need to Amend Code

The Municipal Code neither prohibits nor expressly permits waivers for affordable housing. If the City decides to allow waivers, it should amend the code and include the waiver as part of the code.

CONCLUSION

While the City may be able to legally justify waivers for affordable housing, adopting a waiver would result in a substantial risk of expensive litigation, with no assurance it would prevail.

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cc to Dwayne Roberts 5/23/01

Attachment 6

were in favor of the staff recommendations. Council members indicated that they were in favor. The direction to support the staff recommendations was unanimous.

9. DISCUSSION OF AFFORDABLE HOUSING STRATEGIES

Staff Report and Discussion: Community Development Director Jim Hendryx gave a presentation on the "Top Ten Affordable Housing Strategies." Topics covered in Mr. Hendryx's presentation included:

- ◆ Density Bonus
- ◆ Transfer of Development Rights
- ◆ System Development Charges
- ◆ Permit Fees
- ◆ Property Tax Exemption
- ◆ Land Cost and Availability
- ◆ Local Regulatory Constraints and Discrepancies in Planning and Zoning Codes/Local Permitting or Approval Process
- ◆ Parking
- ◆ Enterprise Foundation Regional Acquisition Fund
- ◆ Real Estate Transfer Tax

A copy of Mr. Hendryx's PowerPoint presentation is available at the City Recorder's office.

Councilor Scheckla asked how quickly the Council needed to act on the recommendations to promote affordable housing. Mr. Hendryx responded that Finance Director Craig Prosser suggested that the Council wait until the November election results were available, since some of the issues on the ballot may impact the City. Councilor Scheckla suggested the Council revisit the issue after election results are known. Assistant to the City Manager Liz Newton proposed that Mr. Hendryx return to the Council with a list of prioritized recommendations in late November or early December. Councilor Scheckla stated that he would like to know the budgetary impact of the recommendations.

Mr. Hendryx introduced Sheila Greenlaw-Fink from Community Partners for Affordable Housing (CPAH). Ms. Greenlaw-Fink stated that she hoped the Council would not delay action on the affordable housing incentives until the November election. She stated that CPAH needed to move forward on projects now or opportunities may be lost. She identified some limited cost items such as: tax abatement, permit fee incentives, and advocating for affordable housing at the County

level. Ms. Greenlaw-Fink pointed out that the financial impact of many of the options was nominal.

Councilor Patton asked if CPAH had a specific project in mind that will be coming before the Council prior to the November election. Councilor Patton pointed out that the State and County will also be affected by the November elections. She stated that this was an inopportune time to try to influence these jurisdictions. She continued by saying that although supportive of affordable housing, the Council has to take into account the potential repercussions to the City. Councilor Scheckla and Mayor Griffith concurred with Councilor Patton.

Mr. Hendryx concluded by saying that the goal of the presentation was to get Council direction. Ms. Newton summarized by confirming that Mr. Hendryx would return to Council with a list of prioritized recommendations, along with the cost impact and a description of the process involved in implementing each recommendation.

10. COUNCIL LIAISON REPORTS: None

11. NON-AGENDA ITEMS: None

12. ADJOURNMENT: 9:54 p.m.

Attest:

Greer A. Gaston, Deputy City Recorder

Mayor, City of Tigard

Date: _____

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AGENDA ITEM # 6
FOR AGENDA OF July 17, 2001

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Review Potential Amendments to the Tigard Municipal Code – Titles 1 and 2

PREPARED BY: C. Wheatley DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Review and discuss potential amendments to the Tigard Municipal Code (TMC) – Titles 1 and 2.

STAFF RECOMMENDATION

Review the sections outlined in the attached memorandum and direct staff with regard to preparation of proposed amendments to the TMC.

INFORMATION SUMMARY

Attached is a memorandum from City Recorder Cathy Wheatley outlining proposed policy discussion or suggested revisions to selected sections of TMC Titles 1 and 2.

OTHER ALTERNATIVES CONSIDERED

Discussion only.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

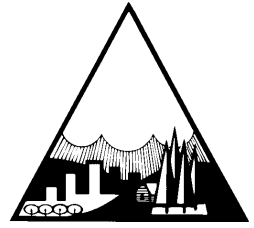
ATTACHMENT LIST

1. Memorandum with Exhibit A & B outlining the proposed policy discussions or suggested revisions to TMC Titles 1 and 2.
2. Current Code pages for the sections under review.

FISCAL NOTES

N/A

MEMORANDUM



TO: Honorable Mayor & City Council

FROM: Cathy Wheatley, City Recorder

RE: Tigard Municipal Code Update - Titles 1 and 2

DATE: July 3, 2001

Attached are descriptions of sections of Tigard Municipal Code (TMC) Titles 1 and 2, which were assigned to me to present to the City Council for review and to determine if changes are needed.

Attorney Gary Firestone has reviewed these Code sections and we have discussed the potential revisions or need for policy discussion on the pages that follow. (Exhibit A)

These sections, as they currently appear in the TMC for Titles 1 and 2, are attached for your reference. (Exhibit B)

Attachments

Proposal No. 1

Section 1.01 Code

Current Language:

1.01.010 Adoption.

The codification of general ordinances of the City of Tigard as prepared and published by Book Publishing Company of Seattle, Washington, a bound copy thereof being hereto attached and by reference made a part hereof, is adopted and enacted as the "Tigard Municipal Code of 1972" and may be cited as such in all proceedings within the purview thereof. (Ord. 72-61 §1, 1972).

Proposed Revision:

1.01.010 Title

The Tigard Municipal Code is adopted as the official city code of the city of Tigard. The code shall be cited as the "Tigard Municipal Code," published under general authority of the city council and maintained as provided in this chapter by the city recorder.

Proposal No. 2

Add the following paragraph to Section 1.01

1.01.080 Editing of Code

In preparing the codified editions of ordinances for publication and distribution the City Recorder shall not alter the sense, meaning, effect or substance of any ordinance, but, with such limitations, may renumber sections and parts of sections of the ordinances, change the wording of headings, rearrange sections, change reference numbers to agree with renumbered chapters, sections or other parts, substitute the proper subsection, section or chapter or other division numbers, strike out figures or words that are merely repetitious, change capitalization for the purpose of uniformity, and correct manifest clerical or typographical errors.

Proposal No. 3

Current Language:

1.01.060 Constitutionality.

If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The council declares that it would have passed this Code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this Code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Ord. 72-61 §6, 1972).

Proposed Revision:

Attorney Firestone recommends the last clause of the last sentence be deleted. (Noted by ~~strikethrough.~~)

1.01.060 Constitutionality.

If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The council declares that it would have passed this Code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, ~~and if for any reason this Code should be declared invalid or unconstitutional,~~ then the original ordinance or ordinances shall be in full force and effect. (Ord. 72-61 §6, 1972).

Proposal No. 4

Current Language:

Chapter 1.12 INITIATIVE AND REFERENDUM.

1.12.010 Adoption of state law.

Except as provided in this chapter, the general laws of the state concerning initiative and referendum shall apply for any initiative or referendum of a city measure. (Ord. 95-09)

1.12.020 Appeal of one subject determination.

Any elector dissatisfied with a determination of the city elections officer under ORS 250.070(1) may petition the City Council seeking to overturn the determination of the city elections officer. If the elector is dissatisfied with a determination that the initiative measure meets the requirements of section 1 (2)(d), Article IV of the Oregon Constitution, the petition must be filed with the city elections officer not later than the seventh business day after the ballot title is filed with the city elections officer. If the elector is dissatisfied with a determination that the initiative measure does not meet the requirements of section 1 (2)(d), Article IV of the Oregon Constitution, the petition must be filed with the city elections officer not later than the seventh business day after the written determination is made by the city elections officer. The review by the City Council shall be the first and final review, and shall be conducted expeditiously to insure the orderly and timely circulation of the petition. (Ord. 95-09)

1.12.030 Procedure for elector dissatisfied with ballot title for city measure.

Any elector dissatisfied with a ballot title filed with the city elections officer by the city attorney or the city governing body, may petition the City Council seeking a different title and stating the reasons the title filed is insufficient, not concise or unfair. The petition shall be filed with the city elections officer not later than the seventh business day after the title is filed with the city elections officer. The City Council shall review the title and measure to be initiated or referred, hear arguments, if any, and certify to the city elections officer a title for the measure which meets the requirements of ORS 250.035 and 250.039. The review by the City Council shall be the first and final review, and shall be conducted expeditiously to insure the orderly and timely circulation of the petition or conduct of the election at which the measure is to be submitted to the electors. (Ord. 95-09). ■

Proposed Council Policy Discussion

Until 1995, the City of Tigard followed all provisions of state law for Initiatives and Referendums. In 1995, Council added 1.12.020 and 1.12.030. At the time, council thought this would expedite the process for a dissatisfied elector by having the council review the issue rather than the court.

A second suggested policy discussion pertains to signature gathering deadlines. For initiative petitions, 15% of Tigard registered voters are required to sign a petition in order for the matter to be placed on the ballot (10% for referendum). While the number of signatures is a Constitutional requirement, a policy decision can be made to set

procedural rules about the deadline for submitting signatures. Now, petitioners can file the signature petitions and keep adding to the signatures until enough have been certified. For State initiative petitions, petitioners must submit enough qualified signatures at the time they file the petition (which also locks them into an election date). If there are not enough signatures, then the petitioners must start over. Does the Council want to consider a procedural rule similar to the State?

Proposal No. 5

2.40 Nominating Procedures (Mayor & Council Candidates)

Council Policy Discussion

Council members are nominated through the petition process defined by state statute. In order to be nominated as a candidate for Mayor or Council, Tigard follows state statute for nomination by petition and collection of signatures. (Signatures must be gathered from 1% of the number of voters who cast ballots at the last election where a governor was elected.) Another method is to file a form (no signatures required), "Declaration of Candidacy."

Proposal No. 6

Current Language:

2.56.010 Recorder – Appointment and Removal

2.56.010 Appointment and removal.

The office of recorder of the city of Tigard, as provided by Section 10 of Chapter III of the Charter, shall be filled by appointment by the mayor with the consent of the council and shall be upon the advice of the city administrator. The recorder shall be appointed solely on the basis of qualifications and experience and without regard to political considerations. Appointment and removal of the recorder by the mayor shall be upon the advice of the city administrator and require the prior consent of a majority of the full council recorded at a public meeting. Cause shall not be required for removal of the city recorder, except for that employee serving as the incumbent city recorder as of the effective date of ordinance 86-64. (Ord. 86-64 §1, 1986; Ord. 86-11 §7, 1986; Ord. 84-06 §3, 1984).■

Proposed changes:

1. Change “city administrator” to “city manager” where appropriate.
2. Change the wording so that the recorder is appointed and removed upon the advice of the city manager and the consent of the majority of council.
3. Remove the wording in the last sentence referring to the incumbent, since Loreen Mills was the incumbent at the time this was written and this phrase is no longer needed.

Proposal No. 7

Current Language:

2.60.010 City Attorney

2.60.010 Appointment and removal.

The city attorney shall be appointed by the mayor with the consent of the council. The attorney shall be appointed solely on the basis of qualifications and experience and without regard to political considerations. Appointment and removal of the attorney by the mayor shall require the prior consent of a majority of the full council recorded at a public meeting. Cause shall not be required for removal of the city attorney. (Ord. 86-11 §9, 1986: Ord. 84-06 §4, 1984).■

Proposed changes:

1. Change the wording so that the city attorney is appointed and removed with the consent of the majority of council.

TIGARD MUNICIPAL CODE

Chapter 1.01 CODE.

Sections:

- 1.01.010 Adoption.**
- 1.01.020 Designations and references.**
- 1.01.030 Title, chapter and section headings.**
- 1.01.040 Reference to specific ordinances.**
- 1.01.050 Effect on past actions and obligations.**
- 1.01.060 Constitutionality.**
- 1.01.070 Effective date.**

1.01.010 Adoption.

The codification of general ordinances of the City of Tigard as prepared and published by Book Publishing Company of Seattle, Washington, a bound copy thereof being hereto attached and by reference made a part hereof, is adopted and enacted as the "Tigard Municipal Code of 1972" and may be cited as such in all proceedings within the purview thereof. (Ord. 72-61 §1, 1972).

1.01.020 Designations and references.

In any prosecution for the violation of any provisions of the Tigard Municipal Code, or in any legal proceeding within the purview thereof, it shall be sufficient to refer to the applicable title, chapter, section or subsection of the Tigard Municipal Code, and all such references shall apply to the applicable numbered title, chapter, section or subsection as it appears in the Tigard Municipal Code.

Any ordinance adding to, amending, correcting or repealing all or any portion of a section of the Code shall refer to and designate the applicable title, chapter, section or subsection of the Tigard Municipal Code, and whenever reference is made to any portion of the Code, the reference shall apply and be applicable to

amendments, corrections or additions heretofore or hereafter enacted by the city of Tigard. (Ord. 72-61 §2, 1972).

1.01.030 Title, chapter and section headings.

Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof. (Ord. 72-61 §3, 1972).

1.01.040 Reference to specific ordinances.

The provisions of this Code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the Code, but such reference shall be construed to apply to the corresponding provisions contained within this Code. (Ord. 72-61 §4, 1972).

1.01.050 Effect on past actions and obligations.

Neither the adoption of this Code nor the repeal or amendments hereby of any ordinance or part or portion of any city ordinance shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to November 8, 1972, nor be construed as a waiver of any license, fee or penalty at November 8, 1972, due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee or penalty, on the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect. (Ord. 72-61 §5,

TIGARD MUNICIPAL CODE

1972).

1.01.060 Constitutionality.

If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The council declares that it would have passed this Code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this Code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Ord. 72-61 §6, 1972).

1.01.070 Effective date.

The ordinance codified in this chapter, and the Tigard Municipal Code of 1972, hereby adopted, shall be and shall become effective on and after the thirty-first day of the adoption of the ordinance codified in this chapter by the council and approval by the mayor. (Ord. 72-61 §7, 1972).■

TIGARD MUNICIPAL CODE

Chapter 1.12 INITIATIVE AND REFERENDUM.

(Chapter 1.12 repealed and replaced by Ord. 95-09).

Sections:

- 1.12.010 Adoption of state law.**
- 1.12.020 Appeal of one subject determination.**
- 1.12.030 Procedure for elector dissatisfied with ballot title for city measure.**

1.12.010 Adoption of state law.

Except as provided in this chapter, the general laws of the state concerning initiative and referendum shall apply for any initiative or referendum of a city measure. (Ord. 95-09)

1.12.020 Appeal of one subject determination.

Any elector dissatisfied with a determination of the city elections officer under ORS 250.070(1) may petition the City Council seeking to overturn the determination of the city elections officer. If the elector is dissatisfied with a determination that the initiative measure meets the requirements of section 1 (2)(d), Article IV of the Oregon Constitution, the petition must be filed with the city elections officer not later than the seventh business day after the ballot title is filed with the city elections officer. If the elector is dissatisfied with a determination that the initiative measure does not meet the requirements of section 1 (2)(d), Article IV of the Oregon Constitution, the petition must be filed with the city elections officer not later than the seventh business day after the written determination is made by the city elections officer. The review by the City Council shall be the first and final review, and shall be conducted expeditiously to insure the orderly and timely

circulation of the petition. (Ord. 95-09)

1.12.030 Procedure for elector dissatisfied with ballot title for city measure.

Any elector dissatisfied with a ballot title filed with the city elections officer by the city attorney or the city governing body, may petition the City Council seeking a different title and stating the reasons the title filed is insufficient, not concise or unfair. The petition shall be filed with the city elections officer not later than the seventh business day after the title is filed with the city elections officer. The City Council shall review the title and measure to be initiated or referred, hear arguments, if any, and certify to the city elections officer a title for the measure which meets the requirements of ORS 250.035 and 250.039. The review by the City Council shall be the first and final review, and shall be conducted expeditiously to insure the orderly and timely circulation of the petition or conduct of the election at which the measure is to be submitted to the electors. (Ord. 95-09). ■

TIGARD MUNICIPAL CODE

Chapter 2.40 NOMINATING PROCEDURE.

Sections:

- 2.40.010 Petition--Form.**
- 2.40.020 Nomination acceptance--Form--
Furnished by city recorder.**
- 2.40.030 Filing dates--Mayor.**
- 2.40.040 Filing dates--City council.**
- 2.40.050 Filing dates--Extension in case
of weekend or holiday.**

2.40.010 Petition--Form.

The form of nominating petition for all candidates for elective positions within the city shall substantially conform to the form designated by the Secretary of State. (Ord. 86-05 §1, 1986; Ord. 64-19 §1, 1964).

2.40.020 Nomination acceptance--Form-- Furnished by city recorder.

The city recorder is authorized and directed to furnish, upon nomination of a candidate for elective positions within the city, a notification of nomination and acceptance of nomination form conforming to "Exhibit A." (Ord. 86-05 §2, 1986; Ord. 64-19 §2, 1964).

2.40.030 Filing dates--Mayor.

Except as otherwise provided by this section, the filing deadline for all persons filing for the position of mayor shall be the thirty first day preceding the date the city recorder is required by law to transmit to the county clerk a list of the offices to be filled and the names of the persons to appear on the ballot; and

(1) At the time of filing, any councilperson filing for mayor whose term would overlap with that of mayor shall submit a resignation in the form required by the Charter; and

(2) Within five days after the filing deadline, the city recorder shall verify the signatures and shall provide a form to the nominee stating that the correct number of signatures have been submitted and that the signatures are valid; and

(3) Within five days after receipt of the form from the city recorder verifying the petition, the nominee shall accept or decline the nomination, and if the nominee is a councilperson whose term would be concurrent with that of mayor, the nominee shall submit a letter of resignation as required by the Charter. (Ord. 86-06 §1, 1986; Ord. 84-05 §1(a), 1984).

2.40.040 Filing dates--City council.

The filing deadline for a city council position shall be eleven days preceding the date the city recorder is required by law to transmit to the county clerk a list of the offices to be filled and the names of the persons to appear on the ballot; and:

(1) Within five days after the filing deadline, the city recorder shall verify the signatures and shall provide a form to the nominee stating that the correct number of signatures have been submitted and that the signatures are valid; and

(2) Within five days after receipt of the form from the city recorder verifying the petition, the nominee shall accept or decline the nomination. (Ord. 84-05 §1(b), 1984).

2.40.050 Filing dates--Extension in case of weekend or holiday.

In the situation where one of the dates listed in Sections 2.40.030 and 2.40.040 falls on a weekend or legal holiday, the time for filing shall be extended to 4:00 p.m. on the following workday; however, this extension shall not change

TIGARD MUNICIPAL CODE

any of the other prescribed dates. (Ord. 84-05 §2,
1984).■

TIGARD MUNICIPAL CODE

Chapter 2.56 RECORDER.

Sections:

2.56.010 Appointment and removal.

2.56.010 Appointment and removal.

The office of recorder of the city of Tigard, as provided by Section 10 of Chapter III of the Charter, shall be filled by appointment by the mayor with the consent of the council and shall be upon the advice of the city administrator. The recorder shall be appointed solely on the basis of qualifications and experience and without regard to political considerations. Appointment and removal of the recorder by the mayor shall be upon the advice of the city administrator and require the prior consent of a majority of the full council recorded at a public meeting. Cause shall not be required for removal of the city recorder, except for that employee serving as the incumbent city recorder as of the effective date of ordinance 86-64. (Ord. 86-64 §1, 1986; Ord. 86-11 §7, 1986; Ord. 84-06 §3, 1984).■

TIGARD MUNICIPAL CODE

Chapter 2.60 CITY ATTORNEY.

Sections:

2.60.010 Appointment and removal.

2.60.010 Appointment and removal.

The city attorney shall be appointed by the mayor with the consent of the council. The attorney shall be appointed solely on the basis of qualifications and experience and without regard to political considerations. Appointment and removal of the attorney by the mayor shall require the prior consent of a majority of the full council recorded at a public meeting. Cause shall not be required for removal of the city attorney. (Ord. 86-11 §9, 1986; Ord. 84-06 §4, 1984).■